

## REMARKS

In accordance with the foregoing, claims 1 and 7 are amended. No new matter is added. Claims 5 and 9 had previously been cancelled. Claims 1-4, 6-8 and 10 are pending and under consideration.

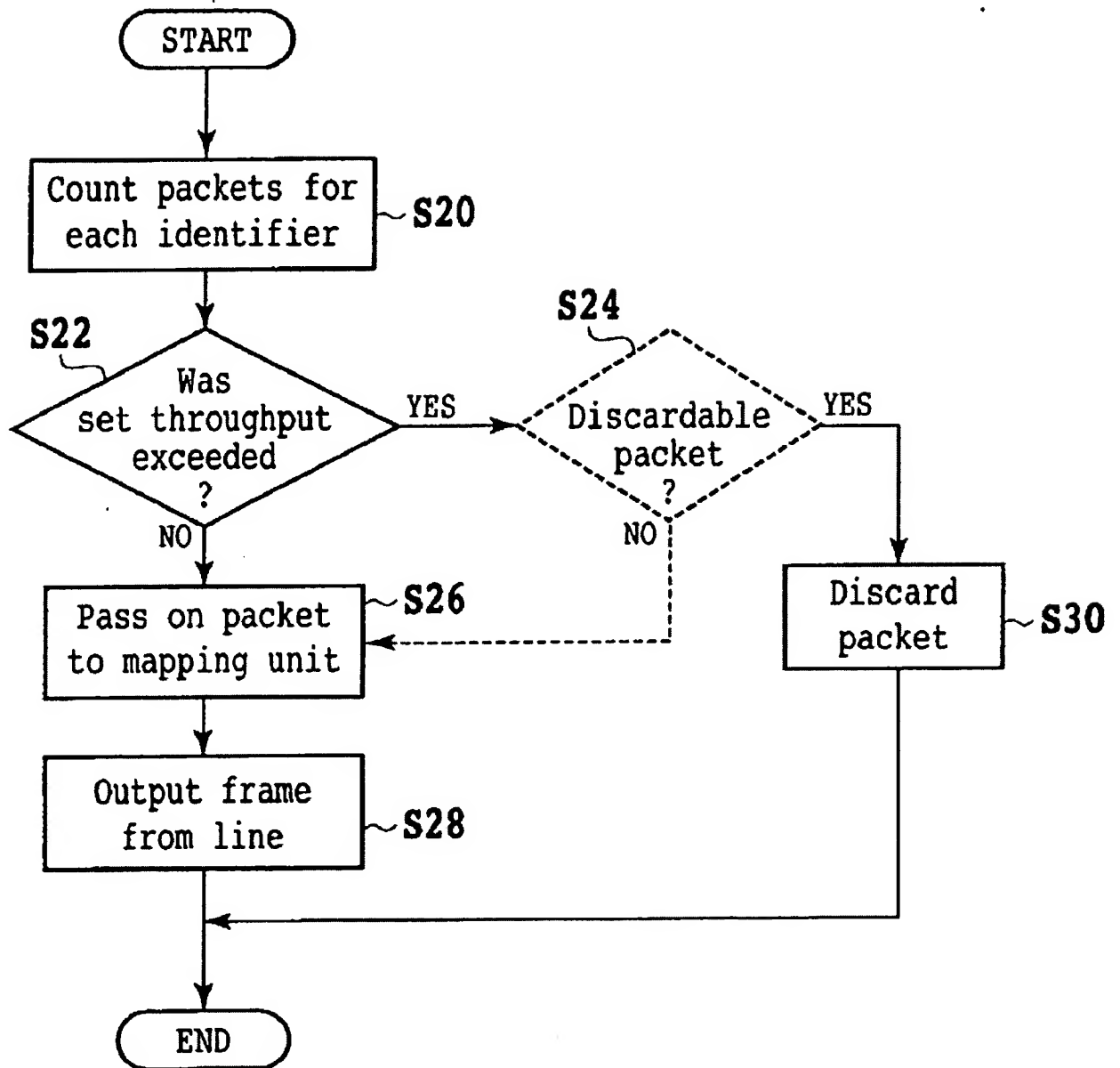
### CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-4, 6-8 and 10 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0008692 to Bamba (hereinafter "Bamba") in view of the article "RPR Soups up Sonet and Ethernet" by Woods, in Network Computing, Jan. 23, 2004, pages 77-81 ("Woods").

Independent claim 1 is amended herewith to specify that "the flow monitoring and adjusting unit is configured to send a request to the cross-connect unit when an amount of RPR (resilient packet ring) packets exceeds a tolerable level, to request the cross-connect unit that no more RPR packets be transmitted." The claim amendments are supported by the originally filed specification, for example, page 23, lines 8-35.

The Office Action (see page 3 therein) asserts that the flow monitoring and adjusting unit of claim 1 is rendered obvious by paragraphs [0102], [0103], [0066]-[0070], and [0090] of Bamba.

Paragraphs [0102], [0103] of Bamba refer to "Packet Read Control." FIG. 7 of Bamba, reproduced below is a flowchart representing the packet read control. Paragraphs [0102], [0103] and FIG. 7 of Bamba do not teach or suggest that "a request to the cross-connect unit [is sent] when an amount of RPR (resilient packet ring) packets exceeds a tolerable level, to request the cross-connect unit that no more RPR packets be transmitted" as recited in amended claim 1. As shown and described, the packet read control merely determines whether packets are discarded when a set throughput is exceeded.



The packet read control is performed by the buffer control unit 254#i (see paragraph [0094] of Bamba) which controls reading from the buffers 234#i. Applicants found no evidence in Bamba that the buffer control unit 254#i sends to the line exchange unit 106#i (which the Office Action indicates as corresponding to the recited cross-connect unit) a request that no more RPR packets be transmitted. Therefore, Bamba fails to render obvious all the features of amended claim 1.

Woods does not correct or compensate for the above-identified failure of Bamba in rendering obvious all the features of claim 1. At least for this reason, claim 1 and claims 2-4, 6-8 and 10 depending from claim 1 patentably distinguish over the prior art.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 6, 2009

By: L. Todor  
Luminita A. Todor  
Registration No. 57,639

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501